

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TERION COLLINS,

Plaintiff,

v.

HEATHER SHIRLEY, et al.,

Defendants.

Case No.: 1:23-cv-00483 CDB (PC)

**ORDER TO SHOW CAUSE IN WRITING  
WHY SANCTIONS SHOULD NOT BE  
IMPOSED FOR PLAINTIFF'S FAILURE  
TO FILE AN OPPOSITION OR  
STATEMENT OF NON-OPPOSITION**

**14-DAY DEADLINE**

Plaintiff Terion Collins is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

**I. INTRODUCTION**

The Court issued its Discovery and Scheduling Order on January 11, 2024. (Doc. 35.)

On November 14, 2024, Defendants filed an Ex Parte Application for an Extension of Deadline to File a Dispositive Motion. (Doc. 41.) The Court granted the request, extending the deadline for filing a dispositive motion to January 20, 2025. (Doc. 42.)

On January 17, 2025, Defendants filed a motion for summary judgment. (Doc. 44.) Defendants' motion included a *Rand*<sup>1</sup> warning (Doc. 44-9), specifically addressing the requirements concerning an opposition to a motion for summary judgment. Despite the passage of

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<sup>1</sup> *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998).

1 more than 21 days, Plaintiff has failed to file an opposition or statement of non-opposition to  
2 Defendants' motion.

3 **II. DISCUSSION**

4 Rule 56 of the Federal Rules of Civil Procedure concerns summary judgment. It provides,  
5 in relevant part:

6 **Failure to Properly Support or Address a Fact.** If a party fails to  
7 properly support an assertion of fact or fails to properly address  
8 another party's assertion of fact as required by Rule 56(c), the court  
9 may:

- 10 (1) give an opportunity to properly support or address the fact;
- 11 (2) consider the fact undisputed for purposes of the motion;
- 12 (3) grant summary judgment if the motion and supporting  
13 materials—including the facts considered undisputed—show  
14 that the movant is entitled to it; or
- 15 (4) issue any other appropriate order.

16 Fed. R. Civ. P. 56(e). This Court's Local Rules, corresponding with Federal Rule of Civil  
17 Procedure 11, provide that a “[f]ailure of counsel or of a party to comply with these Rules or with  
18 any order of the Court may be grounds for the imposition by the Court of any and all sanctions  
19 authorized by statute or Rule or within the inherent power of the Court.” *See* Local Rule 110.

20 Further, Local Rule 230 states:

21 Opposition, if any to the granting of a motion shall be served and  
22 filed by the responding party not more than twenty-one (21) days  
23 after the date of service of the motion. A responding party who has  
24 no opposition to the granting of the motion shall serve and file a  
25 statement to that effect, specifically designating the motion in  
26 question. Failure of the responding party to file an opposition or  
27 statement of no opposition may be deemed a waiver of any  
28 opposition to the granting of the motion and may result in the  
imposition of sanctions.

29 Local Rule 230(l). Therefore, Plaintiff's opposition or statement of non-opposition to Defendants'  
30 pending motion for summary judgment was due on or before February 7, 2025, plus time for  
31 mailing. Plaintiff has failed to timely file an opposition or statement of non-opposition, and the  
32 time to do so has now passed.

1                   **III. CONCLUSION AND ORDER**

2                   Accordingly, the Court **ORDERS** Plaintiff to show cause in writing, within 14 days of  
3 the date of service of this order, why sanctions should not be imposed for his failure to comply  
4 with the Local Rules. Alternatively, within that same time, Plaintiff may file an opposition or  
5 statement of non-opposition to Defendants' motion for summary judgment filed January 17,  
6 2025.

7                   **Any failure by Plaintiff to respond to this Order may result in the pending summary**  
8                   **judgment motion being deemed submitted and unopposed.**

9                   IT IS SO ORDERED.

10                  Dated: February 18, 2025

  
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UNITED STATES MAGISTRATE JUDGE

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